

had been substituted wholly for sweet milk chocolate, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sweet Milk Chocolate," borne on the labels attached to the boxes containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was sweet milk chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was sweet milk chocolate, whereas, in truth and in fact, the said article was not sweet milk chocolate, but was a product, to wit, a mixture largely composed of either added sugar or added sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate. Misbranding was alleged for the further reason that the article was a product, to wit, a mixture largely composed of either added sugar or added sweet chocolate and deficient in milk, a necessary ingredient of sweet milk chocolate, and was offered for sale and sold under the distinctive name of another article, to wit, sweet milk chocolate.

On January 6, 1922, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10521. Misbranding of sponge cake. U. S. * * * v. Eugene A. Dexter (Dexter's Bakery). Plea of nolo contendere. Fine, \$25. (F. & D. No. 13902. I. S. No. 12589-r.)

On December 8, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eugene A. Dexter, trading as Dexter's Bakery, Springfield, Mass., alleging shipment by said defendant, on or about January 30, 1920, in violation of the Food and Drugs Act, as amended, from the State of Massachusetts into the State of Connecticut, of a quantity of sponge cake which was misbranded. The article was labeled in part: "Dexter's Mother's Cake. A Delicious Sponge Cake * * * Dexter's Bakery, Springfield, Mass. * * * Net Weight 13 Oz. * * *."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 20 cakes was 11.675 ounces, an average shortage from the declared weight of 10.19 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 13 Oz.," borne on the box containing the article, regarding the said article, was false and misleading in that it represented that each box contained 13 ounces net weight of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said boxes contained 13 ounces net weight of the article, whereas, in truth and in fact, each of the said boxes did not contain 13 ounces net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 21, 1922, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10522. Misbranding of Hall's catarrh medicine. U. S. * * * v. 288 Bottles * * * of * * * Hall's Catarrh Medicine, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14026, 14027, 14028. Inv. Nos. 26581, 26582, 26583, 26584. S. Nos. C-2614, C-2615, C-2616.)

On or about December 15, 1920, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 1,106 bottles of Hall's catarrh medicine, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Cheney Medicine Co., Toledo, Ohio, on or about October 25 and November 11 and 19, 1920, respectively, and transported from the State of Ohio into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle)